

Minutes: Area of Impact Subcommittee January 6, 2004

The meeting convened at 10:05 a.m. at:

ICRIMP Building
Association of Idaho Cities Conference Room
3100 Vista Avenue
Boise, Idaho

PRESENT:

Legislature:

- Senator Hal Bunderson, Co-Chair
- Senator Elliot Werk

Industry/State/Other

- Dr. John Moeller, Co-Chair
- Richard Horner, City of Rexburg
- Nyle Falhmer, City of Rexburg
- John Anderson, Mayor, City of Rigby
- Sid Fredrickson, City of Coeur d'Alene
- Mark Mitton, City of Burley
- Curt Mendenhall, City of Burley
- Collin Coles, City of Post Falls
- Terry Werner, City of Post Falls
- John Currin, City of Lewiston
- Dick Rush, Idaho Association of Commerce and Industry (IACI)
- Jeff Cook, City of Glens Ferry
- Susan McBryant, Mayor, City of Hailey
- Jim Azumano, City of Hailey
- William LaGro, Mountain Home
- Karl Huffaker, Mountain Home
- Justin Ruen, Association of Idaho Cities (AIC)
- Gary Allen, Givens Pursley
- Gary Smitte, City of Meridian
- Jerry Mason, AIC
- Roger Chase, Mayor, City of Pocatello
- Ryan Anderson, City of Soda Springs
- Case Houson, City of Nampa
- Steve Purvis, City of Boise
- Doug Strickling, City of Boise
- John Tensen, City of Boise
- Renee Magee, City of Idaho Falls
- Ken Harward, Association of Idaho Cities
- Linda Milam, Mayor, City of Idaho Falls
- Chad Stanger, City of Idaho Falls
- Maggie Mahoney, Idaho Association of Counties
- Robert Strope, City of McCall
- Bill Vaughan, City of Eagle
- Art Jenkins, ACHD

DEQ Staff

- Steve Allred, Director
- Jon Sandoval, Chief of Staff
- Jason Jedry, Community Affairs
- Mark Mason, Water Quality

All attachments referenced in these minutes are permanent attachments to the minutes on file at the Idaho Department of Environmental Quality. To obtain a copy, contact the Committee Secretary.

Dr. Moeller called the meeting to order at 10:05 a.m.

Jon Sandoval gave a brief history of the Environmental Common Sense Committee (ECSC) to the Subcommittee. The ECSC was established in 1995 for the purpose of bringing members of the Legislature, industry, small business and local units of government together to look at issues outside the regulatory framework. These programs and services are operated by the Department of Environmental Quality (DEQ).

Director Allred said as we become more urbanized the issues that are developing are becoming more difficult to handle as a single entity. There are a number of situations where multiple jurisdictions have come together to deal with a problem, i.e. sewers. But it is not clear that there is a mechanism in place to deal with that from the standpoint of how do you operate one.

Also, there is an issue between the cities and counties. As the cities expand they are concerned about the land surrounding their jurisdiction. Also, cities are concerned about decisions being made at the county level with regard to those areas and how to integrate and look forward to what makes the most sense when supplying services. The problem is becoming more acute in areas that are becoming more urbanized.

Jon Sandoval gave an overview of the Subcommittee organization. The information from the Subcommittee will be organized via a website located at www.deq.state.id.us under Area of Impact. As we identify and define the topic area we will post on the website a membership roster, copies of the minutes, action plans, and any pertinent information to the Subcommittee. There will be a place for feedback and all documents in regard to this Subcommittee will be available on the website. The committee will have access to the website and all documents that are produced in the Subcommittee, and any other links regarding work being done in surrounding states that may be of interest to the Subcommittee. Meeting dates and any notices will be posted on the website as well.

Senator Bunderson gave the Subcommittee some insight in regard to the areas of impact. He stated the origins of this topic stemmed from some experiences Minneapolis/St. Paul had when their municipal wastewater systems were located in every community in the local area. There were about nineteen jurisdictions and at enormous cost, because the community grew in population, they consolidated those jurisdictions. Millions of dollars were spent to consolidate the wastewater systems. Senator Bunderson felt it would be wise to address these issues as we merge into growth areas in the state. In fact in my part of the country, we've got wastewater systems within a fence line distance, one going that way and the other is going that way. Does that make sense? How should we deal with wastewater in these transitional areas? One method is community wastewater systems, a subdivision for example, will develop its own community treatment wastewater system, many of these systems are very good, and the effluent has gone through the treatment is as good as any municipal system. If we start looking at the whole scope of wastewater and if community systems are an acceptable approach to solving these transitional area problems, then we ought to understand who is responsible for the maintenance of these systems, what standards should be used and is there adequate oversight. Some questions then arise – should the municipal wastewater jurisdiction, having responsibility for that area, have oversight over those community systems? Another question, what do we do with areas of impact that that about each other?

We have examples where municipalities are cooperating with each other, where the prime objective is to protect the environment, and not protect boundaries. If we can agree on a concept of what should drive these negotiations between municipalities, the county and city, and what is best for the environment, then I think we will all be winners. As we develop these municipal systems we need to have an overall plan for the region as opposed to each one doing its own thing, independent of each other. That is what this Subcommittee is trying to do, put a statewide hat on our head.

Dr. Moeller referred to a report, Report on a Regionalized Approach to Wastewater Management Planning in the Boise River Valley that DEQ put together in 1999. DEQ formed a steering committee that worked for about 1.5 years. In 1999 when this report came out the Treasure Valley areas had a population of about 363,000, according to the various planning groups. We brought in experts, we took out the lands that we didn't think would be built upon because of flood zone restrictions or because of various building restrictions in terms of slope stability, etc. The committee found that full build out in the Treasure Valley would be around one million people. Because of the potential growth we talked with experts who indicated we would require an additional 50-100 million gallons per day of wastewater treatment capacity. The committee looked at regional management planning and took a broad brush to that concept. We looked at the full range of wastewater management alternatives. The committee decided it was not interested in creating a regional authority, but noted groundwater resources had been significantly altered in the area by the various irrigation and other growth. It was publicly talked about that treated municipal effluent is a valuable resource. The committee's approach was to bring in experts, reviewed the fundamental questions, talk about everything from individual and subsurface systems and how they worked, how they have changed dramatically with technical advancements. What population levels should be planning for, looking at regulatory versus non-regulatory approaches. The problem statement of the Steering Committee was "The future environmental well-being and economic viability of the Boise River Valley Region requires a regional wastewater management plan that will establish guidelines for compatible infrastructure and policy development to complement land use planning activities." The Treasure Valley Partnership, which was the mayors of the Treasure valley, was presented this report and the committee received their endorsement. The committee came up with the following observations: Regional wastewater is neither new nor unusual, it had been done in northern Idaho, and other major cities. We believed that the regional effort should reflect the following goals: "Produce a flexible, proactive plan with public, industry and regulatory support. Maintain a balance between cost-effectiveness and environmental responsibility. Protect and, where feasible, enhance water quality of the Boise River. Acknowledge the use of natural systems that enhance the environment. Recognize and manage wastewater as a resource. Encourage conservation of potable water and reuse of wastewater. Ensure public health and safety. Cooperate and coordinate with other planning efforts." This is an expensive plan.

Steve Allred stated we are an upstream state so we have to meet the downstream water quality standards, many of which are tougher. That means substantial costs for all systems. Most of the systems were developed with grants, and the grants are no longer available. Costs are going to be significant, but don't plan on grants from the federal government. In most areas of growth individual septic tanks are a thing of the past. In many areas of the state we are no longer approving individual septic tanks, what is replacing them are package treatment plants. The Package Treatment plants will not work unless they are operated and maintained. Our law provides that if you can make a reasonable effort to get to a sewer system with a development, the development has to do that. DEQ has concerns about operation and maintenance of plans and DEQ requires a contract with the developer that will require the developer to employ a competent certified wastewater operator. The longer we wait to look at regional systems the more constraints we are going to have on those systems. There is a discount on state loans if systems are combined. Nutrients is the biggest problem that is forcing us off of individual septic systems.

Jerry Mason, AIC, said we must be cautious about trying to put your arms around too much. We need to recognize the many successes there are, i.e. Boise and Eagle sewer district, Post Falls, etc. There needs to be permanence to any agreement. A public agency that does not offer a service often doesn't regulate it well. He suggested the Subcommittee consider a charter operating district, which is not a political subdivision, has no taxing authority, would not have Article 12, Section 2 governmental authority, but it could provide services and be formed by the general purpose government (county or city), to charge fees.

Many counties are reluctant to form their own public works department, but they could contract for and oversee this.

Ken Harward gave the committee the perspective of the cities. Mr. Harward suggested the committee look at the Land Use Planning Act, passed by the Legislature, which made an important statement on public policy. It provides some structure and mandates that cities shall develop comprehensive plans for their many services.

The Subcommittee decided that "Area of Impact" is not the proper name for this Subcommittee and it should be renamed. Jon Sandoval will rename the committee.

Maggie Mahoney, Idaho Association of Counties, counties do agree with the regionalized approach, but do not want top down concept. Counties concerns are: 1) concern that the process fits within the statutes that currently exist; 2) concern with public hearings, public notices and their requirements with the comprehensive planning and zoning process; and 3) do agree if we could preemptively address these issues as we grow in some of the more urban areas that would be a positive thing. The counties have questions about maintenance.

Maggie will work to get the health districts involved in the process as soon as possible.

Senator Bunderson would like to operate within the existing framework, however, the Land Use Planning Act may not be the best as it currently exists, and there may be some modifications that could be made to it, and we should not close our minds to ideas that come forth that may in fact cause legislation to come forth at a later date.

Senator Bunderson suggested the committee develop a framework of issues and prioritize these issues. We would then meet and focus on those issues which the Subcommittee felt were the highest priority. Everyone could then have input. Jon Sandoval will send out in ranked draft form of the issues that have come forth from this Subcommittee. People will be asked to vote as a committee whether we agree with this issue and if so we move forward to the next issue.

Jon Sandoval suggested we identify, on a statewide basis, what some of the issues have been and why they are so difficult to deal with. He will put together a fairly comprehensive list of good examples of some situations and why they come to this table.

Chad Stanger, City of Idaho Falls Public Works, stated the issue is land use planning and the good will of officials working together. The problem is urban development outside the cities. The cities are primarily providing the infrastructure. The focus needs to be in land use planning.

Roger Chase, City of Pocatello, stated there are three things that are important specifically in Pocatello. 1) Make sure previous agreements stay legal, 2) the community septic systems and a way that they be required to be inspected and function and 3) revenue goes back to the cities to help with funding.

Gary Allen, Givens Pursley representing users of systems, stated there needs to be more users at the table to help deal with this issue. Industries need help in how to address this issue, they don't need more problems on how to deal with wastewater. Land use and wastewater are very closely tied and we need to deal with both of these issues at the same time.

John Currin, City of Lewiston, sees two issues. 1) Land use planning, specifically on city and area of impact, and ability to provide infrastructure services to the area of city impact so that as development takes place the infrastructure is there to provide services that are needed, and 2) numerous districts that cross boundaries and services need to start consolidating so that not only are services and infrastructures provided in an economical manner, but also in a manner that makes maintenance more efficient and meets standards.

Mark Mitton, City of Burley, stated we need to face the groundwater issue now and we need to resolve it. California had a transitional tax where the impact area the county collects a transitional tax rate and uses it for planning and capital infrastructure use. It does two things: 1) It funds the planning that needs to be done, and 2) It provides money to extend the infrastructure and eases the people who live in those areas into the city, because there is a wide variance between the city tax rate and the county tax rate.

Senator Bunderson suggested that he, Jon Sandoval and John Moeller put together a list of issues for the committee to prioritize or add to, or modify. The Subcommittee will ask the counties to participate as well. The Subcommittee will then formulate an agenda and meet and deal with the issues that are in the considered judgement of the majority as the priority. The Subcommittee will meet in early February on Tuesday or Thursday afternoon. If possible the Subcommittee will piggyback its next meeting along with the county agenda to their meeting. Location to be determined.

John Moeller asked Subcommittee members if there are issues they would like to learn more about, specifically cases in north Idaho, cooperative efforts, and pieces of legislation they would like to learn more about, if they could let the Subcommittee know about them then the Subcommittee can try to draft the people who were instrumental or participated in those activities to educate the members of this Subcommittee.

Senator Bunderson adjourned the meeting at 2:05 p.m.